

Hearing Date and Time: February 25, 2010 at 10:00 a.m.
Response Date and Time: February 18, 2010 at 4:00 p.m.

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Attorneys for Johnson Controls, Inc.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:	
	:	
DPH HOLDINGS CORP, <u>et al.</u> ,	:	Chapter 11
	:	
Reorganized Debtors.	:	Case No. 05-44481 (RDD)
	:	
	:	(Jointly Administered)
	:	
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RESPONSE OF JOHNSON CONTROLS, INC. (CLAIM NUMBER 18528)
TO REORGANIZED DEBTORS' FORTY-THIRD OMNIBUS OBJECTION PURSUANT
TO 11 U.S.C. §503(b) AND FED. R. BANKR. P. 3007 TO
(I) EXPUNGE CERTAIN ADMINISTRATIVE EXPENSE (A) SEVERANCE CLAIMS,
(B) BOOKS AND RECORDS CLAIMS, (C) DUPLICATE CLAIMS, (D) EQUITY
INTERESTS, (E) PREPETITION CLAIMS, (F) INSUFFICIENTLY DOCUMENTED
CLAIMS, (G) PENSION, BENEFIT, AND OPEB CLAIMS, (H) WORKERS'
COMPENSATION CLAIMS, AND (I) TRANSFERRED WORKERS' COMPENSATION
CLAIMS, (II) MODIFY AND ALLOW CERTAIN ADMINISTRATIVE EXPENSE
SEVERANCE CLAIMS, AND (III) ALLOW CERTAIN ADMINISTRATIVE EXPENSE
SEVERANCE CLAIMS

Johnsons Controls, Inc. (“JCI”) responds to the objection of DPH Holdings Corp. and its debtor affiliates (collectively, the “Reorganized Debtors”) concerning administrative expense claim number 18528 as follows:

1. JCI’s Automotive Experience Division was a supplier of goods to the Reorganized Debtors. JCI filed its Administrative Expense Claim number 18528 in the amount of \$110,189.59 on July 14, 2009. This claim is based upon various outstanding invoices issued by JCI’s Automotive Experience Division for goods delivered to the Reorganized Debtors under purchase orders in effect between JCI and the Reorganized Debtors..

2. The Reorganized Debtors have objected to claim number 18528 because they assert that the amount due under it is not reflected on the Reorganized Debtors’ books and records. However, this objection is untimely and should be disregarded. Pursuant to Article 10.2 of the First Amended Joint Plan of Reorganization, the Reorganized Debtors were required to file any objections to an Administrative Expense claim within 180 days of the July 15, 2009 bar date. Unless the Administrative Expense claim is subject to a timely objection, Article 10.2 provides that it “shall be deemed allowed in the amount requested.” Therefore, the Reorganized Debtors do not appear to be entitled to present an objection.

3. Despite the lack of a timely objection, should the Court be willing to consider the objection of the Reorganized Debtors, JCI remains entitled to an Administrative Expense claim. JCI has reviewed its outstanding invoices and determined that many of the invoices that were unpaid as of July 14, 2009 have since been satisfied. However, a number of invoices remain unpaid in the total amount of \$51,794.95. These unpaid invoices are summarized on the

schedule attached hereto as Exhibit A.¹

4. JCI reserves the right to amend claim number 18528 to include any other postpetition unpaid invoices or contractual breaches by the Reorganized Debtors.

5. Consequently, the Reorganized Debtors' objection to claim number 18528 should be overruled as untimely. If the Court determines to consider the merits of the objection, then JCI's claim number 18528 should be allowed as an administrative expense claim in the amount of \$51,794.95.

6. The person authorized to reconcile and resolve this objection is Stephen T. Bobo, Reed Smith LLP, 10 South Wacker Drive, 40th Floor, Chicago, Illinois 60606, 312-207-6480.

Dated: February 17, 2010

RESPECTFULLY SUBMITTED,

Johnson Controls, Inc.

By: /s/ Christopher A. Lynch

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¹ Due to the voluminous nature of the invoices summarized at Exhibit A hereto, JCI has only provided a complete set of the invoices to the Reorganized Debtors and Reorganized Debtors' counsel. Should any other party-in-interest wish to receive a complete copy of the invoices, the same shall be provided upon request to counsel for JCI.